

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO.,

Plaintiff,

-VS-

W. R. GRACE & CO.,

Defendant.

NUMBER 89-3022

Jury Trial

Springfield, IL

Volume 31

PROCEEDINGS

HONORABLE RICHARD MILLS

U.S. District Judge

April 29, 1993

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1 your best scientific and professional judgment in that
2 case?

3 A. I sure was.

4 Q. All right. You talked about fibers in the lung,
5 asbestos fibers, particularly chrysotile fibers can
6 dissolve in the lung, can't they, and break up into smaller
7 fibrils?

8 A. That's really beyond my area of expertise here. I
9 think in the -- in the medical literature, people will say
10 that that's one of the reasons that chrysotile, that
11 chrysotile dissolves, not, quote, break up.

12 It dissolves in the tissue and dissolves in the
13 lung. And that's one of the reasons that people suggest
14 that chrysotile is not as toxic as some of the other forms
15 of asbestos.

16 Q. Did the chrysotile fibers split longitudinally in the
17 lung like you showed with the spaghetti?

18 A. Again, I don't think anyone knows precisely what goes
19 on in the lung. I certainly don't profess to be an expert
20 in that.

21 Q. Let me show you an article called The Importance of
22 Width in Asbestos Fiber Carcinogenicity and Its
23 Implications for Public Policy authored by three authors,
24 including an R.J. Lee. Richard J. Lee. Is that you, sir?

25 A. That's me.

1 Q. Let's look at this article for a minute or two, Doctor.
2 And that's your present group, the R.J. Lee Group,
3 Monroeville, Pennsylvania?

4 A. Yes, it is.

5 Q. All right. On page 5, Doctor, the statement is made
6 concerning asbestos fibers. Thicker fibers are usually
7 rare in airborne population of asbestos and, when present,
8 disaggregate into thinner fibrils.

9 Would you agree that thicker asbestos fibers in
10 the air disaggregate, break up into thinner fibrils?

11 A. What are we talking about there?

12 Q. Page 5 of your article, sir?

13 A. Oh.

14 Q. And my question is simply whether you agree with that
15 statement in your article?

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1 A. Well, I wouldn't. It's a little bit unclear whether
2 we are talking -- whether we are talking there about in
3 the body.

4 Q. I think this is the air, sir.

5 A. Well, see, I don't think so. Because it says
6 thinner fibers might go right to the pleural and
7 peritoneal. And we are --. I think we are referencing,
8 on the previous page, Litman's work. But like I say, I
9 know of no evidence that fibers break up in the air.

10 Q. All right.

11 How about --.

12 A. They are, as it points out there -- and it's outside
13 of my area of expertise -- that there are people that
14 believe that thicker fibers -- that it's the thinner
15 fibers that might go right through the lung walls, and
16 the thicker fibers can break up.

17 Q. All right.

18 And you believe that because it's in your
19 article?

20 A. Well, I certainly would say it's beyond my area. I
21 haven't studied, specifically. It's a co-op that we
22 have other people with expertise far more expert than me
23 in those areas.

24 Q. All right.

25 Were you consulted before the article was

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1 finalized?

2 A. Certainly.

3 Q. Okay.

4 Let's turn over to Page 6. I am at the top,
5 sir. I will read it again, because it's a very
6 difficult document to read on the screen.

7 Second, asbestos fibers wider than one micron
8 are composed of bundles of fibriles that readily split
9 longitudinally into individual fibers which have much
10 smaller width. Even if wider fibers were inhaled,
11 because of the fibrillar nature of asbestos, the fibers
12 disaggregate.

13 Do you agree that's what happens in the lung
14 when those fibers are inhaled?

15 A. I agree that's what we say. And I would stand on my
16 previous statement. I know that's what was reported and
17 proposed in the literature. I don't think there is that
18 direct evidence. In the case of Cook's work, it was
19 with respect to amosite asbestos, which is a different
20 kind of asbestos.

21 And I think his work is reasonably well
22 justified. I think he has pretty good findings.

23 Q. All right.

24 Then if we could turn over to Page 14, and ask
25 you about this sentence in your article.

1 A. Excuse me a minute. I didn't catch --.

2 Q. Page 14.

3 A. Yeah. Just as soon as I get there.

4 Q. Are you there, sir?

5 A. I'm there.

6 Q. Okay.

7 Middle of Page 14. The potential of fiber
8 bundles to disaggregate in the air or in vivo appears to
9 be one of the most hazardous aspects of asbestos.

10 What's in vivo mean? In the body?

11 A. In the body.

12 Q. Okay.

13 So this sentence is saying fiber bundles have
14 the potential to disaggregate in the air and in the
15 body? That's what it says?

16 A. That's what it says.

17 Q. All right.

18 Do you agree with that statement in your
19 article?

20 A. I don't think I would subscribe to that statement.
21 At least, not on the basis of my own knowledge.

22 Q. And this is a very recent article that you have
23 authored?

24 A. That's correct. It's --. Well, we worked on it a
25 couple years ago. I believe it just came out in the

1 last year.

2 Q. Now, sir, as I understand your testimony, you think
3 settle dust testing has value in buildings, but you
4 disagree with Dr. Longo on the method of analysis. Is
5 that basically correct?

6 A. No.

7 Q. Do you think settle dust testing has value in
8 buildings?

9 A. I think surface dust testing, testing of any
10 material for asbestos is a legitimate inquiry, depending
11 on the person's interest. And if they ask me to, I do
12 the work. When I disagree with Dr. Longo is not the
13 determination that asbestos is present in a particular
14 dust sample.

15 I disagree with the utilization and the
16 treatment of that asbestos as individual free fibers
17 that were there on the surface. The scientific evidence
18 all points --. It's well recognized in the literature.
19 E.P.A. abandoned the indirect procedure in 1983.

20 It is well recognized that the indirect process
21 breaks up fiber. Now, the question, when you are
22 measuring airborne asbestos, what you have to do is
23 measure it to your best ability in the manner to which
24 the person is exposed.

25 What happens in the lung may be a biological